

REMARKS

Office Action Summary

The Office Action sets forth a restriction requirement under 35 U.S.C. §121, asserting that claims 12-18 (Group I claims), claims 9-11 (Group II claims) and claims 2-8 (Group III claims) are drawn to distinct inventions, linked by independent claim 1, and are subject to restriction if claim 1 is subsequently disallowed on the merits. Applicant traverses the requirement for the reasons set forth below. Applicant respectfully requests that the restriction requirement be withdrawn and that all of the pending claims be examined on the merits.

Status of Claims

At the time the Office Action was mailed, claims 1-18 and 38 were pending in the application in response to a prior restriction requirement. In the present response, claims 2-8 (Group III) have been provisionally elected, with traverse, as required by MPEP §818.03(b). No claims have been canceled or withdrawn. Therefore, claims 1-18 and 38 remain pending in the application.

Traversal of Restriction Requirement

In the first Office Action in the present application (5/18/05 Office Action), the Examiner issued a restriction requirement under 35 U.S.C. §121. Applicant's response, filed on July 20, 2005, included an election of claims 1-18 and 38 (Group I), without traverse, and cancellation of the remaining claims. Applicant respectfully objects to the present restriction requirement because, following an election without traverse, the

Examiner is required to examine the elected claims on the merits in compliance with MPEP §821.02. Therefore, applicant is making a provisional election of the Group III claims with traverse in compliance with MPEP §818.03(b)

CONCLUSION

In conclusion, applicant submits that in view of the argument set forth herein, the restriction requirement has been traversed, and respectfully requests that the restriction be withdrawn and that all pending claims be examined on the merits.

If the Examiner believes a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact Richard Thill at (408) 720-8300.

If there are any additional charges, please charge our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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